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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,323	12/08/2003	Clare L. Hoke JR.		1376
7590	09/11/2006		EXAMINER	LE, NANCY LOAN T
Clare L. Hoke Jr. Suite 11 1318 N. Monte Vista Ave. Upland, CA 91786			ART UNIT	PAPER NUMBER
			3621	
				DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## **DETAILED ACTION**

1. The reply filed on 12/08/2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): *the cancellation of the set of claims 1-11 and the withdrawal of the set of claims 12-27 are improper because such set of claims have never been presented for examination in the present application before. Furthermore, withdrawal of claims from consideration usually occurs with non-elected claims in a Restriction/Election requirement, which is not the case here.* See 37 CFR 1.111.
2. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

### **Conclusion**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY LOAN T. LE whose telephone number is **(571) 272-7066**. The examiner can normally be reached on Monday-Thursday, 8am - 6:30pm.
4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDREW J. FISCHER can be reached on **(571) 272-6779**.
5. **For official/regular communication**, the fax number for the organization where this application or proceeding is assigned is **(571) 273-8300**.
6. **For informal/draft communication**, the fax number is **(571) 273-7066 (Rightfax)**.
7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8. Any response to this action should be *mailed* to:

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9. *Hand-delivered* responses should be brought to:

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NL

09/01/2006

*AFischer 9/5/06*  
ANDREW FISCHER  
PRIMARY EXAMINER